

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16168 of 2019

Arising Out of PS. Case No.-683 Year-2018 Thana- SUPAUL District- Supaul *

RAJU KUMAR, Son of Laxmi Kamat, Resident of Village - Santnagar, Ward
No.28, Town and P.S.- and Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.12.2018 in a case registered for the offence punishable
under Section 379 of the Indian Penal Code.

It is alleged that on theft being committed of the
motorcycle of the informant, the FIR was registered against
unknown. The name of the petitioner sprang up on the
confession of co-accused, Pankaj Kumar.

It is submitted by learned counsel for the petitioner
that the recovery has not been made from the possession of the



petitioner and the petitioner has falsely been roped in the present case only on the basis of confessional statement of co-accused Pankaj Kumar. It is further submitted that though the impugned order reflects that in paragraph no.15 of the case diary it has been recorded that the petitioner was apprehended with stolen motorcyclem whereas, in para 6 of the case diary, it has been recorded that the petitioner was apprehended on the basis of confessional statement of co-accused, Pankaj Kumar. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the inconsistency in the impugned order which suggests that in paragraph 15 of the case diary, it has been recorded that the petitioner and co-accused were apprehended along with the stolen motorcycle, whereas para 16 of the case diary reflects that the petitioner was apprehended on the basis of confessional statement of co-accused, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
CJM, Supaul in connection with Supaul P.S. Case No.683 of
2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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